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Security Council

Fifty-second Year

Provisional

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Wednesday, 21 May 1997, 10.30 a.m.

New York

President:	Mr. Yoo	(Republic of Korea)
later:	Mr. Park	
Members:	Chile	Mr. Larraín
	China	Mr. Wang Xuexian
	Costa Rica	Ms. Incera
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Lopes da Rosa
	Japan	Mr. Owada
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Portugal	Mr. Monteiro
	Russian Federation	Mr. Lavrov
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

Protection for humanitarian assistance to refugees and others in conflict situations

97-85579 (E)

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The meeting was called to order at 10.55 a.m.

Adoption of the agenda

The agenda was adopted.

Protection for humanitarian assistance to refugees and others in conflict situations

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Armenia, Bosnia and Herzegovina, Brazil, Burundi, Canada, Cuba, Germany, India, Iraq, Italy, Malaysia, the Netherlands, Norway, Pakistan, Rwanda, Slovenia, Ukraine and Zimbabwe in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Ramírez (Argentina), Mr. Abelian (Armenia), Mr. Sacirbey (Bosnia and Herzegovina), Mr. Amorim (Brazil), Mr. Nsanze (Burundi), Mr. Karsgaard (Canada), Mr. Núñez-Mosquera (Cuba), Mr. Henze (Germany), Mr. Shah (India), Mr. Hamdoon (Iraq), Mr. Terzi di Sant'Agata (Italy), Mr. Hasmy (Malaysia), Mr. Biegman (Netherlands), Mr. Biørn Lian (Norway), Mr. Kamal (Pakistan), Mr. Kayinamura (Rwanda), Mr. Türk (Slovenia), Mr. Zlenko (Ukraine) and Mr. Sengwe (Zimbabwe) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 19 May 1997 from Mr. Soren Jessen-Petersen, Director of the Liaison Office of the United Nations High Commissioner for Refugees, which reads as follows:

> "I would like to request, on behalf of the United Nations High Commissioner for Refugees, that I be allowed to address the Security Council in connection with the item on its agenda, without the right to vote, in accordance with rule 39 of the Council's provisional rules of procedure".

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Soren Jessen-Petersen.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 19 May 1997 from Mr. Stephen Lewis, Deputy Executive Director of United Nations Children's Fund (UNICEF), which reads as follows:

> "On behalf of UNICEF, and under rule 39 of the Council's provisional rules of procedure, I am writing to request that I be allowed to address the Security Council's open meeting to consider the item 'Protection for humanitarian assistance to refugees and others in conflict situations' on Wednesday, 21 May 1997".

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Stephen Lewis.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 20 May 1997 from the Deputy Permanent Representative of the Republic of Korea to the United Nations, which has been issued as document S/1997/386, and reads as follows:

> "I have the honour to request that the Security Council extend an invitation under rule 39 of its provisional rules of procedure to Mr. Peter Küng, head of the delegation of the International Committee of the Red Cross to the United Nations, in connection with the consideration of the item entitled 'Protection for humanitarian assistance to refugees and others in conflict situations'."

If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Peter Küng.

There being no objection, it is so decided.

In accordance with the understanding reached in the Council's prior consultations, if I hear no objection, I shall take it that the Security Council agrees to extend an

invitation under rule 39 of its provisional rules of procedure to Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs, and Emergency Relief Coordinator.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

The first speaker is Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Akashi (Under-Secretary-General for Humanitarian Affairs): I cannot but congratulate you, Mr. President, on presiding over this meeting. You are an old friend and a very experienced diplomat, well-known to all of us. I am delighted to see you presiding over the meeting.

I wish to express appreciation to the Security Council for putting the issue of protection for civilians in conflict on its agenda, and I welcome this opportunity of sharing with members the views of the United Nations and those of the humanitarian community.

We live in a time with an unparalleled need for protection. From the humanitarian viewpoint, it often appears that we live in a world engulfed by crises that threaten a growing number of civilians. The figures speak for themselves. Today, some 90 per cent of the victims are civilians; in the First World War, only 10 per cent of victims were non-combatants. Some 80 per cent of the people in need of protection are women and children. The United Nations Children's Fund (UNICEF) estimates that during the last two years, 2 million children have been killed in warfare, and some 12 million have been made homeless. An estimated 42 million people worldwide were dependent on humanitarian assistance in 1995; that figure is 60 per cent higher than it was 10 years before.

Such a dramatic increase in the number of people in need of assistance is compounded by the complexity and nature of contemporary crises and the difficulty of relying on traditional protection instruments to safeguard the basic rights and integrity of people endangered by conflict. The majority of people in need of assistance are displaced in their own countries or trapped in besieged cities, and are often in need of protection from the very authorities that are responsible for their safety. Recent estimates indicate that there are 22 million to 24 million internally displaced persons worldwide, greatly outnumbering the 16 million refugees who have sought asylum or have recently been repatriated.

The growing number of people who are displaced and of others who are adversely affected by warfare highlights the importance of reformulating our understanding of protection requirements and points to the timeliness of this debate today. The most compelling and problematic challenge confronting humanitarian actors in today's conflict zones is the difficultly of providing assistance in hostile environments where civilians are directly targeted and the work of relief agencies is deliberately obstructed. When people are forcibly uprooted and pushed from their homes, and the aim of warfare is to inflict maximum pain, protection requirements are quite different from what was needed in more traditional humanitarian assistance operations.

As we redefine protection needs, we are in effect redefining threats to the peace. There is a growing recognition that security, first and foremost, concerns the well-being of people, and that it is not of lesser value than the security of States. Increasingly, the concept of sovereignty is fundamentally linked to the ability of States to respect and safeguard the security of their citizens.

The vast majority of crises confronting the world today are essentially political in nature, notwithstanding their dramatic humanitarian implications. When confronted with emerging crises, the Security Council must be quick to respond. It must be bold, determined and imaginative in creating conditions necessary for a durable solution. This is one of the most important goals of the Security Council and represents the best support it can provide to organizations concerned with the humanitarian dimension of crises. Allowing situations to fester is harmful to the cause of protection and the well-being of endangered people, and it complicates the task of securing a viable and lasting peace.

A basic condition for the effectiveness of any Security Council-initiated action is that mandates be appropriate to the task. Half-measures are likely to do more harm than good. Experience from Bosnia, Rwanda and Somalia shows that when war strategies are designed to harm civilians, the issue of protection cannot be

divorced from the dynamics of the crisis and the action necessary to stop the violence. In order to resolve crises and address the protection needs of innocent civilians, long-term solutions must be sought, and Security Council-mandated missions must be given the tools necessary to deal with conflict situations.

Another fundamental precondition for effective response is the importance of not operating in a policy vacuum. It is worth recalling that the chief finding of the multi-donor study on the response to the crisis in Rwanda in 1994 is that it is harmful and unhelpful to all when humanitarian operations become a substitute for political and other action needed to resolve conflicts.

There must be greater appreciation of the vital but limited role of humanitarian assistance in alleviating suffering and, by extension, the effects of war. The provision of humanitarian assistance in a vacuum is tantamount to managing only the symptoms of a crisis. In such circumstances it is difficult, if not impossible, for humanitarian assistance to be effective, as relief supplies are often diverted to warring parties. Access to vulnerable people is denied or obstructed, and relief workers effectively find themselves in situations where the international community is unwilling to deploy peacekeeping troops.

Erosion of and disrespect for fundamental humanitarian norms are of great concern to the Secretary-General. We are concerned that in many settings a culture of impunity prevails, and heinous crimes, however shocking, are perpetrated with abandon. The Security Council may wish to be more forceful in getting relevant authorities to respect the rights of victims to assistance and protection and initiating action which will hold perpetrators accountable.

In this connection, it is worth noting that it has on occasion been possible to get all parties to agree to a set of principles which ensure access to all populations in need of assistance. Security Council support for this type of arrangement could prove useful in many settings. It is also of great concern that relief workers are often targeted and killed for the specific purpose of disrupting relief operations and the lifelines these often represent. There is a danger that, as these acts become more and more commonplace, our threshold of tolerance becomes higher. The Security Council needs to take a clear stand on all such violations of humanitarian law and use its prestige and authority to hold relevant parties accountable.

The 1994 international Convention on the Safety of United Nations and Associated Personnel covers a limited number of United Nations staff on specific peacekeeping operations. There is a need either to expand it to cover all relief workers in conflict settings, or to develop additional international instruments for that purpose.

Effective protection policy and action by the Council also require that core humanitarian principles be respected. When humanitarian assistance is perceived or used as a tool to achieve political objectives, however worthy, it undermines protection activities and may well jeopardize the lives of those involved. Experience from Bosnia and the Great Lakes illustrates the importance of shielding protection work from political consultations and operational concerns regarding relief programmes in conflict settings.

No one will argue against the importance of a coherent and holistic approach and decisions which reflect an informed analysis of the crisis. The essential elements of such an approach include regular and structural interaction with humanitarian agencies, including United Nations and non-governmental organization actors.

My office namely — that of the United Nations Emergency Relief Coordinator - is in a unique position to organize and facilitate such consultations. My office is also in a position to ensure that the proposals and perspectives of the Inter-Agency Standing Committee, consisting of the executive heads of United Nations humanitarian agencies, political societies, and the three major consortiums of non-governmental organizations are readily available for consultation as appropriate.

Fact-finding by the Security Council in crisis zones could also prove a useful means of engaging Council members in low-profile emergencies, while simultaneously contributing to an improved understanding of the realities on the ground.

Earlier I referred to the importance of rapid reaction in emerging crises and the mandates which are appropriate to that task. If, as also proposed, the Security Council is familiar with concerns and perspectives emerging from the humanitarian arena, then the task of ensuring that Security Council mandates address protection needs will be that much easier.

Joint contingency planning by the Departments of Political Affairs, Peacekeeping Operations and

Humanitarian Assistance already takes place, but greater consultation and interaction with the Security Council will also help ensure better synergy and minimize the risk of different entities operating in isolation from each other.

In conclusion, I wish to stress the importance of not taking a selective approach to protection issues. Whenever children and their parents are abused, it is important that their protection needs be addressed as a whole.

The President: I thank Mr. Akashi for his kind words addressed to me.

The next speaker is Mr. Soren Jessen-Petersen, Director of the New York Liaison Office of the United Nations High Commissioner for Refugees (UNHCR), to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Jessen-Petersen (Office of the United Nations High Commissioner for Refugees): On behalf of Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees, I would like to thank you, Mr. President, and the other members of the Council for the timely initiative to hold this open debate. Mrs. Ogata very much regrets that she cannot be here today.

As the international humanitarian organization mandated by the United Nations to protect victims of forced displacement and to seek solutions to their plight, the Office of the United Nations High Commissioner for Refugees (UNHCR) welcomes the Council's increased involvement in, and support for, humanitarian action.

In the past few years, the problem of forced displacement has increased in scope, complexity and political importance. In 1990, 15 million persons were under UNHCR's mandate. Today, UNHCR is responsible for 26 million refugees, returnees and displaced persons. Furthermore, there are estimates of a similar number of unprotected and unassisted internally displaced victims of conflict.

Today's refugee movements are often massive and rapid. At times, forcible displacement is the very objective of a conflict, not just a by-product. Many conflicts pit one group against another. Those fleeing are often an explosive mix of the defeated government and army, sometimes still armed, as well as innocent women and children.

In such situations, solutions become much more difficult to reach. Insisting on the right of those forcibly displaced to return may be to insist that the very goal of the conflict be reversed. Allowing the defeated group, collectively or individually, to return home might pose a real threat to those who have replaced them in power.

At the same time, the flight of such groups has resulted in increasingly politicized and militarized refugee populations, causing serious tensions in inter-State relations — in itself not a new phenomenon. Tensions among rival groups of nationals in asylum countries are exacerbated by such refugee populations and are likely to threaten, or to be threatened by, countries of origin.

Although many lives have been saved, the responses to the mega-crises of the 1990s have often been ad hoc and improvised. While agencies such as ours do not have the option of choosing when and when not to intervene, political involvement is often selective. As the High Commissioner said during her last briefing to the Council, we need an integrated approach to crisis management in which all dimensions — humanitarian, developmental and, above all, political — are addressed in a mutually reinforcing manner. The interface between human security on the one hand, and national and international security on the other, must be recognized. Humanitarian action aimed at solving the predicament of refugees can support peaceful efforts. In turn, humanitarian action needs political and sometimes security action. Leaving refugee problems unaddressed for too long may deepen, spread and even internationalize conflict. We believe that far more could be achieved if, next to the improved humanitarian response capacity of the United Nations, there were also an early political and security response capacity.

There are a number of shortfalls in today's international response to humanitarian crises: first, despite the efforts of the International Committee of the Red Cross (ICRC) and UNHCR's much more limited action, there are still millions of persons forcibly displaced within their own countries who are neither protected nor assisted. Although primarily a State responsibility, it is also an international responsibility to agree on more predictable arrangements to manage and resolve such issues.

Secondly, humanitarian action is not just about relief, such as food, water and shelter, although these are important. It is also about ensuring physical protection, which is much more difficult, dangerous and sensitive.

The challenge must be to bring safety to people rather than people to safety. There are conflict situations in which such safety can be provided only through military involvement — a readiness to use force to ensure human security if necessary.

Thirdly, it must be clear that the primary responsibility for ensuring the survival and protection of refugees and other victims lies with whoever is in control, be it a State or non-State actor. Non-State actors aspiring to achieve statehood must be held accountable for their behaviour before, during and after reaching their goals.

Fourthly, humanitarian organizations should not be left alone to resolve refugee situations that are clearly politicized or militarized. Humanitarian actors are not capable of separating the wolf from the sheep. Separation is a political action, albeit a humanitarian necessity. There is an urgent need to reaffirm the principle of the civilian and humanitarian nature of refugee camps, and of the primary responsibility of asylum countries to ensure respect for this principle, if necessary with the assistance of the international community. Refugees must also be located away from borders. Refugee flows should not be exploited, neither by exiled leaders nor by host countries. In our view, the time has come to remind the international community that granting asylum is a humanitarian and politically neutral act.

Fifthly, with asylum under threat and asylum-seekers becoming easy prey in domestic political debates, there is a worrisome trend to force refugees back in conditions that are neither safe nor viable. To be admitted to safety and not to be forced back into situations of danger is a fundamental human right. Premature repatriation endangers life and may be a threat to fragile peace. From our experience, repatriation on a voluntary basis is the best guarantee against such risks. There are times, however, when UNHCR may have to accept that for refugees, returning to conditions of fragile peace may be a lesser evil, or provide better protection, than remaining in conditions of physical insecurity.

Concerted international action and attention by the Council to these five areas of concern would strengthen crisis management.

At the same time, three main conditions are indispensable for humanitarian action, forming the humanitarian space needed for our operations. These are staff security, unrestricted access to people in need of humanitarian protection and assistance, and respect for the impartiality and integrity of humanitarian operations. All three are under threat.

First, humanitarian staff are increasingly operating in areas of conflict — alone, exposed and unprotected. As the ears and eyes of the international community, they may represent hope for some but obstacles and a threat for others.

In such conflict situations, we urge that humanitarian staff not be left alone without military support and protection for more than a short-term emergency period. Furthermore, we urge that political leverage, possibly including targeted and selected sanctions, be considered against both State and non-State actors endangering the lives of humanitarian staff.

There is, moreover, a need to reaffirm existing norms. Aggressors against humanitarian staff must be held accountable through international criminal jurisdictions. In this connection, we regret that the Convention on the Safety of United Nations and Associated Personnel fails explicitly to address the safety of civilian humanitarian staff of the Organization and of non-United Nations agencies. There is no reason why they should not be automatically covered. Why should the security of humanitarian personnel deserve less international protection than other categories of international military, police or civilian staff? Today, humanitarian staff are often exposed to greater risks.

Secondly, access to victims must be recognized and supported as a right for those in need to receive protection and assistance, and not as a favour or concession granted by those in control. Access must be free and unrestricted — not subject to conditions. There should be a presumption that those denying access are acting out of motives other than concern for those to whom we are seeking access.

Thirdly, like our partners, we are especially concerned about the difficulties in preserving our image of political neutrality. Humanitarian action must be based solely on the human needs of the victims. Yet in today's inter-group conflicts, helping the victims of one group makes humanitarian actors an immediate suspect, if not enemy, to the other. Humanitarian action must be depoliticized. This also means that when humanitarian action complements international political action in the integrated crisis response we advocate, it should not be subordinated to it.

We hope that today's debate will help to clarify the issues and define areas where political support from the Council would complement and reinforce humanitarian action. In our view, the Council could play an important role in four areas: first, by setting the indispensable political parameters for humanitarian action, in general and in specific operations; secondly, by exerting diplomatic pressure when necessary; thirdly, by being prepared to consider military protection of humanitarian operations in high-risk situations; and fourthly, by providing support to meet the security concerns that I outlined earlier, and, in this connection, by recognizing situations in which humanitarian operations may have to be suspended because of a total disregard for humanitarian space.

We in UNHCR look at the Security Council as the centre stage of a system of global governance that preserves the security of people as well as of States, as these two concepts of security are increasingly indivisible. We insist on our humanitarian impartiality, but we also need the Council's guidance and support in order to safeguard the integrity and effectiveness of humanitarian action.

The President: The next speaker is Mr. Stephen Lewis, Deputy Executive Director of the United Nations Children's Fund, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Lewis (United Nations Children's Fund): We are honoured to participate in this debate and we hugely appreciate the opportunity. I want to begin, if I may, by associating the United Nations Children's Fund (UNICEF) with the remarks which the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) just delivered. We have an enormous regard and respect for the way in which UNHCR states and analyzes these extraordinary humanitarian-assistance dilemmas. I was reminded of the speech which Mrs. Ogata made to the Security Council on 28 April, which was, I am sure everyone will agree, a model of clarity. Everything is always so intelligently formulated and has such a persuasive integrity that UNICEF simply endorses the view.

I therefore will not gild the polemical lily. UNICEF is not UNHCR. We have a vital role in these humanitarian interventions, but our role is very specific. It deals with children and women, children being our primary mandate.

The subject of the Council's hearing is humanitarian assistance and, therefore, predictably close to our heart. And, if I may say so, the recent events in Zaire give it credence. The refugees in Kisangani give it a particularly dramatic note. Of those refugees, 9,000 are estimated to be and to have been unaccompanied children. I can remember, if I may be personal for a moment, standing at kilometre 41 on the Kisangani rail line looking out at those children — passive, traumatized, vulnerable, desperate — thinking that this was indeed a scene out of Dante, that it was a world of dementia, that it seared one's soul. And I think that all who were involved were similarly consumed by the predicament and the tragedy.

The subject of these deliberations is further central for us, given the brutal assault on UNICEF staff in Goma scarcely two weeks ago. These horrific episodes happen to all of us and to our indispensable partners in humanitarian-assistance activities: the non-governmental organizations. So let me, on UNICEF's behalf, make some specific recommendations. Some will, I hope, be realistic, some perhaps lacking in trenchant plausibility, but all offered in good faith. And most important, all the suggestions are informed by and within the context of the Graça Machel study on the impact of armed conflict on children and the General Assembly resolution which followed it.

Graça Machel's recommendations paralleled UNICEF's anti-war agenda. Her recommendations are a Biblical text for UNICEF and I reaffirm what the Under-Secretary-General, Mr. Akashi, said earlier. As Graça Machel noted, in the last decade, 2 million children have been killed, 4 million to 5 million disabled, 12 million rendered homeless, 1 million orphaned, 10 million psychologically traumatized. Half or more of the refugees are children and so, too, the vast numbers of internally displaced.

What Graça Machel did, of course, was to weave the links among the political, the military and the humanitarian in a unique way. And what she argued, given both the numbers and the circumstances, has now become an imperative.

Let me therefore enumerate, specifically following from what I have attempted to say. First, we must find ways of protecting humanitarian staff. International norms cannot be jettisoned. Political and, if necessary, military support must be provided. We cannot send our colleagues out to save the world and then have the world abandon them. We want to associate ourselves with the

remarks of UNHCR and with Mr. Akashi. The United Nations Convention on the Safety of United Nations and Associated Personnel should be interpreted to cover the safety of civilian humanitarian staff and of the staff of non-United Nations agencies. We cannot wait much longer for this. The sooner it is done, the more secure all of the humanitarian staff will be.

Secondly, last year the General Assembly passed a landmark resolution, a child-rights resolution, 51/77, based on the Graça Machel study. It said, in part, that humanitarian concerns regarding children in armed conflict should be fully reflected in United Nations field operations. May I be so bold as to suggest that UNICEF would therefore recommend that it is vital that the special protection needs of children be specifically considered in peacekeeping and demobilization mandates which issue from the Security Council.

Thirdly, in that regard, resolution 51/77 was also a good signpost, by inviting Governments to integrate into training, for all potential peacekeeping personnel, a knowledge of their obligations to women and children in conflict — training which Governments would render. But we would go on specifically to urge that knowledge of humanitarian and human-rights law be a distinct feature of induction training for all United Nations military and civilian personnel in field operations in a way which would permit them to understand the specific application of the provisions of the Convention on the Rights of the Child and the 1951 refugee Convention.

Fourthly, on UNICEF's behalf, I would like to take it a step further. We welcome the code of conduct for United Nations peacekeeping personnel, consistent with humanitarian and human-rights law, and hope that it will be further elaborated. UNICEF is interested in the idea, which we think worth pursuing, of an ombudsperson within peacekeeping operations to handle any investigative and disciplinary procedures.

Alas, from time to time that becomes necessary. The Security Council will know that the Graça Machel report identified in six out of 12 country case studies a rise in child prostitution with the arrival of peacekeeping personnel.

Fifthly, let me be even more specific in three areas.

On the issue of child soldiers, our view is that peace agreements and peacekeeping mandates should specifically incorporate provisions for the demobilization and social reintegration of children below the age of 18 where they have participated in conflict. We have learned in post-conflict situations that this is the toughest part of the exercise of the mandate, because it takes rather more time than integrating adults into society and requires long-term support.

On landmines, it is UNICEF's view that all field operations should have a specific demining provision in the mandate which governs that operation — both in terms of mine clearance and mine-awareness education. And let me say rather forlornly that we are losing the battle against landmines. They are proliferating more speedily than they are removed. Between 5,000 and 8,000 children a year are killed or maimed. It is therefore, by explicit nature and by indirection, a Security Council issue.

On sanctions, it is our respectful view that they are useful if they are carefully targeted. But that is not always the case. And the vulnerable populations — women and children — suffer. Yes, there are exemptions provided for the flow of humanitarian assistance, but, if this is not inappropriate, those exemptions are sometimes applied in a capricious and arbitrary fashion. The exemptions must be protected and we would suggest that a child-impact assessment before and during the application of sanctions should accompany the mandate for sanctions.

I want to bring these remarks to an end. I should like to say that the links among political, security and humanitarian circumstances are seldom so vividly etched as in UNHCR's *cri du coeur*, which we share: that armed elements among refugees be separated out by the host country or by the international community — read: the Security Council — or we will reap the whirlwind as we have reaped it in the Great Lakes region, where heinous crimes are committed with impunity, as Mr. Akashi noted. What has happened recently is only the latest example of this ugly phenomenon.

So, too, do we endorse UNHCR's call for access in conflict situations as an absolutely indispensable component of delivering humanitarian assistance. These civil conflicts are so complicated, and they descend into such abattoirs of depravity, that even children are wilfully targeted and treated mercilessly. And it is getting worse. Somewhere the lines must be drawn.

The Security Council is increasingly involved in support for humanitarian action. Military and civilian

peacekeeping personnel are increasingly used to ensure the safe delivery of humanitarian assistance to civilian populations. It is the Security Council that will weave the web of human rights and humanitarian law into the political, security, developmental and humanitarian fabric.

UNICEF is a very small player; we know that. But we are always there — before the conflict, during the conflict and after the conflict. Children are our mandate. Children are always there. We hope these political deliberations will lead to ever bolder and more confident initiatives.

The President: The next speaker is Mr. Peter Küng, Head of delegation of the International Committee of the Red Cross (ICRC) to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite him to take a seat at the Council table and to make his statement.

Mr. Küng (International Committee of the Red Cross): We truly appreciate being able to take part in this important debate, and we wish to thank you, Mr. President, and the other members of the Security Council for offering us this opportunity today.

As the members of the Council are aware, the role of the International Committee of the Red Cross (ICRC) is to protect and assist, without discrimination, the victims of armed conflict and internal disturbances. These victims are primarily members of the civilian population, which includes persons displaced within their own countries and refugees. The internally displaced are certainly among the "others" mentioned in the title of today's debate. Their plight and the suffering they endure do not receive, in our view, sufficient attention, despite the international efforts deployed on their behalf, as the spotlight is generally focused more on the genuine refugees.

The ICRC has a particular responsibility with regard to international humanitarian law, which, as the Council may recall, prohibits the forced displacement of civilians. Many of its rules are all too often ignored and violated on a large scale, and such violations often cause entire populations to flee. As a result, large groups of people find themselves without any means of survival. They are in need not only of assistance, but also of protection.

Today the fundamental right to humanitarian assistance is all too often denied. There are many reasons for this. Access is refused by the parties involved, who tend to invoke spurious arguments relating to security, and relief workers are themselves becoming the target of deliberate attacks. Humanitarian action is also made more difficult by the presence of armed elements among the civilian population, in particular in refugee camps.

The lives and safety of vast numbers of people are at stake, and humanitarian organizations are looking for remedies in order to be able to exercise their respective mandates. Within the United Nations system they have often worked with armed escorts. The ICRC has chosen another approach and has often had the opportunity to make public statements about its policy. It is of the opinion that humanitarian organizations need to preserve the strictly non-political and impartial character of their work. We feel that armed escorts could jeopardize their impartial status because the direct involvement of military forces in humanitarian action can easily be associated, in the minds of local authorities and of the population, with political or military objectives which go well beyond humanitarian concerns. The importance of this perception, in our view, cannot be overestimated.

We strongly believe not only that humanitarian aid and political action must be dissociated from each other, but also that they must be perceived as truly separate. Armed intervention should be aimed at securing the environment for humanitarian action. Furthermore, the provision of humanitarian assistance should not be linked to progress in political negotiations — as has repeatedly been the case in the past — or to political objectives. It should take place in parallel with a political process aimed at addressing the underlying causes of the conflict and achieving a political settlement. Humanitarian assistance should not become a tool designed to mask the absence of resolve to take appropriate political action or to compensate for the inadequacy of such political action. In our view, there is no substitute for the political will to find a political solution.

There is a shared responsibility in this regard. Whereas the role of humanitarian organizations is to deliver assistance according to the needs of the victims and to promote their protection, the community of States must help ensure a secure environment for the work of those organizations. In other words, it should create the necessary humanitarian space.

First of all, all those bearing weapons in refugee camps must be disarmed and interned. We know how difficult it can be to separate genuine refugees from combatants, but making this distinction is essential for efficient assistance and protection. Only prompt action

can safeguard the civilian and humanitarian nature of refugee camps and create the proper conditions for truly humanitarian assistance and protection. States are therefore called upon to assist in this difficult but crucial endeavour, as in these circumstances political action is what is needed — that is, an operation of a police or military nature.

Considering the urgency of such situations, the possibility for immediate humanitarian action must be safeguarded. However, given the complex character of these problems, close consultation is essential between humanitarian agencies and the international community, including the Security Council. Humanitarian organizations must confer closely with peacekeeping forces at every stage and at every level in a spirit of complementarity. Fortunately, this dialogue has become a well-established practice. Experience has shown that consultations should begin at the preparatory stage of any peacekeeping mission which may affect humanitarian activities. This helps enhance the mutual respect and understanding of their respective missions and constraints. We hope that our participation in today's debate will make a useful contribution in this regard.

In conclusion, allow me to add that coordination among humanitarian players is more important than ever. The ICRC actively cooperates with the United Nations Emergency Relief Coordinator and it is at present engaged in an ongoing operational dialogue with the major United Nations humanitarian agencies, particularly the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme. In this process, however, the ICRC's concern is always to keep its activities in line with its principles of independence, neutrality and impartiality.

The President: I should like to inform the Council that I have received letters from the representatives of Albania and the Solomon Islands, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kulla (Albania) and Mr. Horoi (Solomon Islands) took the seats reserved for them at the side of the Council Chamber.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): At the outset, allow me to express my satisfaction at the Council's meeting today under the presidency of the Republic of Korea. We wish to thank you, Sir, for convening this general debate on the subject of protection for humanitarian assistance to refugees and others in conflict situations. The delegation of Egypt hopes that these deliberations will help to strengthen the Security Council's role in providing the necessary protection to refugees and displaced persons in conflict situations.

The Government of Egypt fully appreciates the activities of many humanitarian agencies and organizations. We are especially grateful to Under-Secretary-General Akashi and the representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund and the International Committee of the Red Cross for their statements, which touched on several points that I hope the Security Council will take under advisement.

In recent years, numerous radical changes have occurred on the international scene and it is important to stress those that have taken place in the nature of the conflicts addressed by the Security Council. In that connection, it can be said that the conflicts of the 1990s are characterized by the following features:

First, these conflicts are often internal, intra-State rather than inter-State. Secondly, the parties to a conflict sometimes disregard standards of international law, in particular of international humanitarian law. They even attack, by every means available, civilians from every walk of life and persist in such actions when they realize that they can do so with impunity vis-à-vis the international community. Thirdly, innocent civilians are deliberately targeted, which may explain the recent UNHCR estimate that 90 per cent of victims in all conflicts are civilians rather than military personnel. Fourthly, some of the belligerent parties today feel that humanitarian assistance is a legitimate objective which they can therefore attempt to control and profit by. Fifthly, humanitarian assistance workers today are easy prey for the belligerent parties and the number of such workers killed or wounded in attacks has accordingly risen. Sixthly, United Nations peacekeeping forces experience many difficulties when their mandates include

the protection of and security for refugees and the flow of humanitarian aid.

The international community, represented by the Security Council, should be ever-vigilant and equipped to meet crises that threaten international peace and security, and in particular those that lead to such deplorable humanitarian situations as the expulsion by force of civilians who are compelled to take refuge in neighbouring States.

We reaffirm the importance for the Security Council to take into consideration the following factors when drafting the mandate of any operation that includes a military component in a crisis with humanitarian dimensions:

First, the Council should consider the crisis from a comprehensive perspective and in an integrated manner, analysing the deep-rooted causes of the conflict and the circumstances of its outbreak. It should not limit its actions to remedies of some of the conflict's consequences, such as its humanitarian repercussions.

Secondly, a distinction must be drawn between the responsibility, nature and objectives of the peacekeeping operation and the nature and objectives of humanitarian assistance.

Thirdly, the mandate should include special provisions and arrangements for the voluntary return of refugees and their resettlement and compensation for loss of property.

Fourthly, it is important to specify and determine the rules of engagement that form the basis of relations between United Nations forces and the parties to an armed conflict. In that connection, we would point to the important report submitted by Secretary-General Dag Hammarskjöld in August 1958, two years after the establishment of the United Nations Emergency Force (UNEF) by the General Assembly. That report defined the limits of actions of self-defence by United Nations forces:

(*spoke in English*)

> "...A reasonable definition seems to have been established in the case of UNEF, where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions."

(*spoke in Arabic*)

It is paradoxical that rules laid down for traditional peacekeeping operations created by the General Assembly expressly included the defense of the mandate conferred upon the forces. Today, unfortunately, in the much more difficult and complex conditions such as those faced by the United Nations force in Bosnia, we have seen the Security Council establish such forces, pursuant to Chapter VII of the Charter, while the world watches on its television screens the injury, humiliation and contempt suffered by the international forces in Bosnia without their having the ability or competence to defend themselves or their mandate.

That is unacceptable, and it must not happen again. One conspicuous example of such an unacceptable situation is the experience of the "safe areas" established in Bosnia. Beginning on 16 April 1993, the Security Council adopted a number of resolutions declaring certain areas to be "safe areas" in which the parties to the conflict were to refrain from armed attacks and other hostile acts. But peacekeeping forces were unable to protect the "safe areas" and the Security Council was unable to take any action to assert the peacekeepers' right of self-defence or their right to protect their mission and their mandate.

The Egyptian delegation therefore proposes an overall review of the rules of engagement of peacekeeping operations in order to articulate them more fully in such a way as to address situations the Council could face in the future. As Mr. Akashi said a moment ago, the mandate assigned to a peacekeeping operation should be matched by the functions entrusted to it.

Turning to Africa, we note the constant growth of the humanitarian dimension of the problems of that continent. In Somalia, for example, the central Government collapsed in 1991; civil war ensued, leading to an exodus of great numbers of refugees to neighbouring States. This problem persists to this day and can be resolved only when we have identified and addressed its political causes. We recall too that the deplorable humanitarian situation in the Great Lakes region, to which other speakers have referred, cannot be addressed independent of the persisting elements and deep-rooted causes of the crisis.

Such crises highlight the problems faced by international aid workers. Elements here include the following: First, as noted by the representative of the International Committee of the Red Cross, protection as required in each instance must be provided for personnel, their headquarters, their convoys and their transports. Secondly, they must have unhampered access to refugees. Thirdly, there must be greater coordination between intergovernmental aid agencies and non-governmental organizations.

It is urgent for the Security Council and the General Assembly to assume a greater role in responding politically and, indeed, militarily to these crises. This requires political will. The Egyptian delegation believes that this can be achieved. First, we must stress the need for all parties to respect all international instruments relating to refugees and international humanitarian activities. Appropriate political pressure should be brought to bear on the parties to respect those instruments. All parties bear a collective responsibility to respect the Fourth Geneva Convention of 1949; all parties to international conflicts must be made to respect their obligations under the Geneva Conventions. Secondly, there must be respect for the principles set out in the 1951 United Nations Convention relating to the Status of Refugees, as relates to the *non-refoulement* of refugees.

We must also consider defining comprehensive approaches to humanitarian endeavours, taking into account the political, economic, military and humanitarian aspects of conflict areas, in full consultation with all actors on the humanitarian stage. We must make every effort to remove refugees from the front lines between protagonists, and to prohibit the protagonists from using refugees as bargaining chips. We must bring to trial those responsible for violations of international law relating to refugees: here the administration of justice is vital to achieving a peaceful and lasting political settlement of any conflict.

The conflicts of the 1990s are complex; they cut across State boundaries. It is thus important to address humanitarian problems resulting from such conflicts in a comprehensive manner, with complete coordination between the Governments of the States concerned and the competent United Nations bodies, including the Office of the United Nations High Commissioner for Refugees (UNHCR) as lead agency and other humanitarian agencies.

We pay tribute to the efforts of Mrs. Ogata, and stress the special responsibility and role of UNHCR in coordinating international efforts to assist refugees. I reiterate the hope that today's deliberations will result in the definition of a form of protection for refugees that is much firmer and more comprehensive.

Mr. Dejammet (France) (*interpretation from French*): We are grateful to the Republic of Korea and to you, Sir, for having convened this timely debate, which is taking place at a time when humanitarian concerns resulting from recent crises are growing increasingly acute.

Mr. President, you have convened this meeting to discuss the item entitled "Protection for humanitarian assistance to refugees and others in conflict situations". As you defined the item, and as the Council agreed, the purpose of our deliberations is very precise: it relates to protection for humanitarian assistance, not to the far more general problem of protection for the refugees or displaced persons themselves, or the establishment and protection of security zones, or, even more generally, the question of the political settlement of conflict situations.

As I said, our purpose is precise: it is to discuss protection for humanitarian assistance. I shall therefore focus on this in my statement. I know that many other speakers will speak more broadly and will address the entire question of protection for refugees, but it seems to me that this specific item is of sufficient seriousness to justify our attention to it.

We are speaking of civilians, who, as other speakers have noted, have become the primary victims of current conflicts, whether they be between or within States. These completely destitute people are forced to leave their homes and seek refuge elsewhere, either within their countries or elsewhere; they depend on humanitarian assistance, which cannot reach the victims unless it is protected. The international community has the capacity and could have the will to provide assistance to these populations in distress. The work of the United Nations, the Security Council, the United Nations agencies, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP), the International Committee of the Red Cross (ICRC), and non-governmental organizations has usually made it possible to mobilize the resources necessary to provide this humanitarian assistance.

The main problem, however, lies in the obstacles impeding the work of these agencies and organizations: denial of access; looting, or the threat of looting, by

armed elements; and direct attacks on personnel that often prevent humanitarian aid from reaching the people in distress. We know that UNICEF officials have recently been victims of direct attacks.

What instruments are available to the Security Council to deal with this type of situation? The first of these instruments consists of the body of texts that constitute international humanitarian law, a set of rules established under existing conventions, to which the representative of Egypt referred earlier, such as the Geneva Convention of 1949 and that of 1941. Clearly, the Security Council does resort to these instruments. It did so recently with regard to displaced persons in eastern Zaire in setting out the obligation of all interested parties to comply strictly with the principles of international humanitarian law.

Unfortunately, it is obvious, in particular with regard to the most common cases — intra-State conflicts — that merely appealing for compliance with international humanitarian law carries little weight in encouraging warring factions to guarantee free access for humanitarian assistance to civilian populations. It is clearly necessary to recall international humanitarian law, but reality forces us to conclude that it is frequently flouted.

We must therefore draw the conclusions from this. We must go much further than merely reminding people of their contractual obligations, and we must remind the leaders of the belligerent parties of their responsibilities — though we should remind them in such a way that they will feel the threat of sanctions. It must be known, and it must be stated, that the leaders of belligerent parties may be held accountable to international tribunals for any violation of norms that they have committed or ordered. In this regard, progress has been made in recent years — progress that should be encouraged — since the Security Council established the International Criminal Tribunal for the Former Yugoslavia in 1992, and that for Rwanda in 1994.

We know that in the context of the work leading to the establishment of a permanent international criminal court, it is naturally envisaged that the Council may refer matters to the court. We are seeing signs on the horizon that the threat of sanctions may make belligerent parties think again, and compel them to behave in a manner a little more in conformity with the international norms that have been agreed to but which, to date, have often been flouted.

Another course of action available to the Security Council in trying to achieve compliance with conventional norms, without recourse to force, is the imposition of economic sanctions. The nature of current conflicts, in particular those between militias — a term that refers to forces not subject to governmental authorities — clearly makes it difficult to use sanctions to compel the warring parties to comply with international humanitarian law. On the other hand, when States are parties to a conflict, sanctions imposed by the Council may have a greater effect. I believe that we saw a demonstration of this with regard to the conflict in the former Yugoslavia, where the sanctions established by the Security Council were such that, without doubt, they compelled one of the parties to the conflict to modify its position and to become more receptive to humanitarian law. But in cases of intra-State conflict — which are, unfortunately, more frequent — more often than not economic sanctions take the form of a threat that may be imposed, without an immediate effect in such conflicts.

The seriousness of the humanitarian situations dealt with by the Security Council demands urgent action and prompts us to consider more drastic solutions. The means to which I have referred, whether juridical or political, jurisdictional or judicial, can only, in most cases, produce results after a long period of time. For the immediate term we should have recourse to a second type of instrument — one of a military nature.

The urgent need to provide humanitarian assistance may compel the Council to provide military protection. It is for the Council to decide to deploy United Nations forces or to authorize the dispatch of a multinational force. This has been done. In the case of the crisis in the former Yugoslavia, the Council expanded the mandate of the United Nations Protection Force (UNPROFOR) to missions aimed at ensuring the safety of humanitarian aid deliveries. More recently, in November 1996, it authorized the dispatch of a multinational force designed to facilitate and support the delivery of assistance to refugees in the Kivu region. As we all know, this force was not in the end deployed. France deplored that fact at the time, and we warned of the consequences. Those consequences are apparent today. They are overwhelming. We are all aware of the direct testimony that the representative of UNICEF gave to the Council a few moments ago. Those revelations do not redound to the honour of the United Nations or to the honour of the Security Council, and I hope that they will be borne in mind by everyone around this table. I repeat, we heard the direct testimony of Mr. Lewis, the representative of UNICEF.

More recently, the Council authorized the establishment of a multinational protection force in Albania, with a specific mandate and mission to facilitate the delivery of humanitarian assistance. This mandate is precise because, when the question is one of resort to force, which, I believe, the facts sometimes show to be necessary, we have to be serious, rigorous and precise. We must have a well-defined mandate, not envisage a political solution that would mean a long-term operation. We must be realistic. If we are thinking of seeking the agreement of the parties, we must realize that those parties may be tempted to refuse agreement, because, by the very nature of their actions, they impede the delivery of humanitarian aid. It must be borne in mind that the parties may refuse. We must draw on the provisions of the Charter of the United Nations and envisage recourse to Chapter VII, as the representative of Egypt underlined earlier.

We must also allow for the possibility of using force, since we are talking about protecting, overcoming obstacles and arriving at the goal: the delivery of humanitarian assistance. That is the point of the debate that you, Mr. President, have decided to hold. So, I repeat, and as the representative of Egypt has just stated, we must define rules of engagement based on legitimate self-defence, yes, but which also permit the effective defence of those who deliver humanitarian assistance.

The Security Council thus has at its disposal the instruments by which to attain the goal we all have in mind: the protection of humanitarian assistance in situations where civilian populations are increasingly becoming both pawns in and the principle victims of conflicts. These instruments exist. What remains is simply to make them more specific and to be very realistic in the way we use them. But we need above all to have the will to make use of them. In each case, the results depend on the human and material resources made available to the United Nations by its Member States. The results depend on the will of Member States to attain the goals we establish in Security Council resolutions.

From that standpoint, our experience in the former Yugoslavia is very instructive. We know that in 1995 a great upsurge of will on the part of the member States of the Council was required in order to make the resolutions we adopted fully effective, to ensure that the means we had at our disposal were fully adequate to our needs, and, finally, to attain the goal that was set.

The results depend on the resources made available to the United Nations, on the will of States, and on the means of influence each Member State disposes of to persuade the parties - whom they sometimes know or with whom they have established contact — directly and individually to respect the principles laid down by the Security Council.

Sir John Weston (United Kingdom of Great Britain and Northern Ireland): Congratulations, Mr. President, on your presence here today, which is welcome.

The subject of today's debate is broad and the issues it raises are important, but it is difficult to deal with them in the abstract. Carefully worked out formulae and academic insights are of limited value when each situation the Council must face is different. Nevertheless the Council has had a good deal of experience in the last few years in dealing with complex humanitarian emergencies and there are lessons to be drawn from that experience.

First, it seems to us the Council must take into account the underlying causes of these complex emergencies. Almost invariably their origins are political — often the results of intra-State conflicts which spring from bad governance, the repression of minorities, the violation of human rights and struggles over land and other natural resources. Humanitarian action can offer relief, but it cannot be a substitute for long-term political solutions. The Council must ensure that its response to an immediate humanitarian crisis is part of a broader strategic framework.

Secondly, the Council must have up-to-date, accurate information on the situation on the ground. Unfortunately, such information is all too often lacking. More must be done to increase the range of information available to the United Nations and to ensure that the best use is made of it.

Thirdly, the Council must recognize that helping to ensure a secure environment for humanitarian agencies or protecting the delivery of humanitarian assistance will often have political consequences. Wherever possible, intervention should be undertaken with the consent of the parties. Often, however, especially in intra-State conflicts, consent may not be forthcoming or will prove to be incomplete and unreliable. In such circumstances, a decision to provide protection for humanitarian assistance is almost by definition a political act.

The mere deployment of armed troops will have consequences on the ground, freezing the political or

military situation or altering the balance of forces. Once troops become involved in securing safe areas, protecting relief convoys or separating genuine refugees from armed elements, they are taking part in operations whose implications go well beyond the purely humanitarian. As Bosnia and Rwanda have shown, the maintenance of political neutrality and impartiality becomes extremely difficult.

Fourthly, the Council must recognize that providing protection for a humanitarian intervention is not a soft option. The force has to be properly equipped to respond to the threats it may face, be given a clear and feasible mandate, and receive suitably robust rules of engagement. It may require heavily armed peacekeepers operating under Chapter VII auspices. All too often we have asked the military to do the impossible and failed to give them the resources they need.

Where the Council does choose to authorize such an operation the normal lessons of multifunctional peacekeeping apply. There must also be a clear and proactive media policy for the operation, and close coordination between it and the humanitarian agencies, although the different actors will need to maintain their distinct identities. Where there is one, a special representative of the Secretary-General can play the key role in promoting such coordination.

Fifthly, the Council must in the end itself be responsible for deciding the shape, format and objectives of any mission in support of humanitarian goals. Humanitarian agencies, which understandably have their own priorities, are not always or necessarily the most objective sources of advice for the wider considerations that the Council has to weigh and, if I dare say so, they are occasionally a little over-optimistic about what peacekeeping operations can achieve. Nonetheless, the views of agencies such as UNHCR and the International Committee of the Red Cross (ICRC) obviously should be taken into account in elaborating the mandate and concept of operations.

As the events of the last few years have shown, humanitarian crises, particularly large-scale refugee movements, often have consequences for regional and international peace and security. The Security Council has a responsibility to respond to these crises, but it cannot deal with them in isolation. Humanitarian crises do not belong under a separate heading or in a separate box with their own special rules and considerations. In response to such crises, the Council must create an overall strategy which addresses both the humanitarian symptoms and the underlying political causes. And in agreeing to any operation to provide protection for a humanitarian operation, the same conditions and criteria which apply to any United Nations peacekeeping operation must be observed.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): It is very pleasant to see you presiding, Sir, and we confirm our readiness to strive for the success of the Security Council's work during this month, while the presidency of the Security Council is entrusted to the Republic of Korea. We are also grateful for the statements made at this meeting by Under-Secretary-General Akashi and the representatives of the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross.

The Security Council is devoting increasing attention and energy to the humanitarian dimension of crises and conflicts. The link between the Security Council's work and the mechanisms of the United Nations system that react to emergency humanitarian situations is an objective one. The nature of the threats faced by the humanitarian community has changed. Fewer and fewer peacekeeping operations have "classic" parameters. Increasingly, we are faced with protecting people in conflict situations. This involves also care for the safety of the human person — the most important dimension of the phenomenon of comprehensive security.

The destructive dynamics of many modern crises are such that the victims of violence include not only civilians but also the organizations that are providing them with humanitarian assistance. As a result, the mandates of these humanitarian organizations are in jeopardy, as are the lives of their personnel. This raises a complex question: can a peacekeeping operation designed to protect humanitarian activities in a "hot spot" be carried out in such a way that the United Nations Blue Helmets do not become embroiled in the hostilities?

The Security Council as a rule should lend vigorous political support to the work of the humanitarian organizations. This is obvious in cases where a United Nations peacekeeping operation has a clear humanitarian component. However, the problems arising in this connection are understandable. We cannot forget that the Council's main task is the maintenance of international peace and security.

The humanitarian agencies within and outside the United Nations system have other tasks to perform. Therefore we cannot really talk about any automatic or stereotypical linkage between a peacekeeping operation and a humanitarian operation.

Let us not forget that as a matter of principle, humanitarian operations differ significantly from the operations set up by the Security Council. Their decision-making processes and financing methods are different. While United Nations personnel act on the basis of the principles of neutrality and impartiality, the humanitarian "profile" of the agencies of the United Nations system means that in the context of comprehensive peacekeeping operations, these humanitarian organizations retain a certain independence from political and peacekeeping efforts. While these peacekeeping operations are conducted under the general leadership of the special representative of the Secretary-General, the humanitarian organizations still answer to their own headquarters.

Exploiting a human tragedy for political purposes is inadmissible. The forcible or unauthorized return of refugees, or the giving of humanitarian assistance to armed elements posing as refugees, cannot be supported either by the authority of the Security Council or by United Nations peacekeepers.

Also inadmissible is any attempt by one party to the conflict to use civilians as an instrument for achieving military or political goals, as took place, for example, in the case of the safe areas in Bosnia. It is also very important clearly to establish the peacekeeping operation's mandate and to set attainable humanitarian goals that are backed up by material and financial resources. In formulating a plan of action, the Security Council could draw to a greater extent on the expertise of the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations, and on their evaluation of the prospects for the settlement of a situation involving refugees, displaced persons and other vulnerable sectors of the population.

So far, in a number of cases the strategy employed, though basically correct, has not been backed up by the necessary expertise or by clear-cut, concrete actions. Much has already been said in the Security Council, for example, about the serious underestimation of the situation of refugees in eastern Zaire and its impact on the military and political situation.

Another example is Abkhazia, Georgia. As no solution has been found to the key task of returning refugees, all political efforts are at an impasse. In March of this year, at the Commonwealth of Independent States (CIS) summit of Heads of State, a decision was taken to implement a number of measures — currently being elaborated — aimed at the organized return of refugees and displaced persons. It is important, however, that these measures receive concrete material support from the humanitarian organizations and from States that are trying more actively to promote a Georgian-Abkhaz settlement. The necessary resources, including those earmarked for demining and for rebuilding the socio-economic infrastructure, could be channeled through the special fund established by the Secretary-General of the United Nations.

In Tajikistan, there is also an acute need for additional efforts by the international community to provide, safeguard and distribute humanitarian assistance in order to create conditions for the safe return of refugees. This was the subject of the appeal contained in the resolution recently adopted by the General Assembly. Active assistance in fulfilling these tasks would represent genuine support for the process of the inter-Tajik settlement.

The problem of the return of refugees is a key one for the successful settlement of a number of other conflicts, such as the one in Bosnia and in Eastern Slavonia. It is precisely this type of practical measures that will prove the ability of the United Nations fully to bring into play the humanitarian factor in its efforts to maintain international peace and security.

The Security Council's task is not merely to safeguard humanitarian assistance for people in distress. Today's debate should primarily help us to enhance the effectiveness of the work of the Council in settling specific conflict situations by more fully taking into account the bitter experience of humanitarian crises.

Mr. Wlosowicz (Poland): Allow me at the outset, Sir, warmly to welcome you and to express my delegation's deep appreciation for the timely manner in which you arranged this open debate. My country has always been very sensitive to the fate of all those who fall victim to circumstances beyond their control and have to rely on others' help.

Civilian populations are the main victims, and frequently the main targets, of contemporary warfare. In

the face of the continuing deterioration of the humanitarian situation of people suffering from the atrocities of war and conflict, the Security Council, along with other competent bodies and organizations, will have to do its best to cope with the ensuing challenges. In this connection, we believe it necessary to stress that the Security Council, today and in future, should focus on humanitarian emergencies that result from situations falling within its mandate or on those humanitarian developments that, if not dealt with appropriately, could lead to the actual emergence of such situations.

Let me make one more observation before addressing the issue as inscribed on the agenda. In the opinion of my delegation, greater use should be made of preventive diplomacy in order to reduce the need for or to avoid more complicated and more expensive undertakings with regard to humanitarian assistance. We believe that ways of improving the preventive capability of the international community are far from having been sufficiently explored. We see, for instance, a greater role for regional organizations in these endeavours. My delegation also believes that a further refinement of the early-warning system already operational in the Secretariat would be helpful in this regard.

The best way to contain and eventually eliminate humanitarian emergencies is to promote political solutions to their underlying causes. Humanitarian assistance, however important and indispensable, deals with the symptoms, not the causes, of existing crises or conflicts. With crises or conflicts that assume international proportions, it is important to find ways and means to make the parties concerned speak to each other, negotiate and reach an agreement. We are in favour of the Security Council's establishment, at a very early stage, of contacts with the countries of a region and the regional organizations concerned in order to discuss the situation and to look into the possibilities of a coordinated approach to the issue at hand. The humanitarian situation, current and prospective, should figure prominently on the agenda of such discussions. We think that the Security Council will need to pay greater attention to the humanitarian aspects of conflict situations. We would welcome, for instance, briefings by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Department of Humanitarian Affairs at various phases of the Council's deliberations, including the initial phases. The recent briefing by United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, is an excellent example of the usefulness of such undertakings. Apart from informing the Council on the current situation in the area of conflict, Mrs. Ogata significantly enhanced Council members' knowledge of very complicated interrelations between different conflict dimensions.

The question of whether, when and how to use force to protect refugees and other civilian populations and to secure the safe delivery of humanitarian assistance is of an indisputable importance. It has been discussed quite frequently by the Council itself, was on the agenda of a number of previous annual sessions of the Special Committee on Peacekeeping Operations, and is under consideration by the Informal Open-ended Working Group of General Assembly on an Agenda for Peace. The Security Council has recently authorized two military operations, both undertaken by groups of interested countries, both designed to assist in the distribution of humanitarian relief to those in need, and both bound to operate in hostile, or at least unfriendly, environments. The first of these operations, in Zaire, was called off before it actually started. Another one, in Albania, is under way. To complete the picture one has to recall the idea of creating the force for humanitarian intervention in Burundi contained in a report of the Secretary-General. Whether the action of interested countries can, as some assume, be a panacea for all humanitarian needs remains to be seen. We believe that the Security Council should continue the discussion it has initiated today in order to better define modalities for authorizing such operations. The United Nations experience to date regarding in particular the Organization's operations in Bosnia and Herzegovina and in Somalia is highly relevant in this respect.

Despite those cases of authorizing groups of interested countries to conduct an operation involving Chapter VII of the Charter, the need for so-called routine United Nations peacekeeping operations to assist in responding to humanitarian emergencies is not going to disappear. Consequently, the dilemma of the contemporary United Nations peacekeeping operations — their having to be impartial and not resort to force except in self-defence — is bound to stay with us. In our view, the provisions of the Charter do not preclude using force for humanitarian reasons. It is imperative, however, that the troops involved are properly mandated and that their strength, equipment and rules of engagement are in line with what is expected of them. Before deciding on taking up any humanitarian assignment which would mean providing military support for humanitarian operations, the Security Council should thoroughly assess the situation in its entirety, with a view to determining that

other means of alleviating the emergencies, including political ones, are no longer available.

Once again, the input of UNHCR and the Department of Humanitarian Affairs, along with information and analysis supplied by the countries of the region and regional organizations, would be of paramount importance for the Council's discussions regarding this issue.

In your very useful guidelines for today's debate, Sir, you have specifically mentioned that sanctions are a tool to be used to make the parties comply with the principles of international law, as well as to make them react properly to their people's needs by, among other things, allowing the unimpeded access of humanitarian organizations and of relief to those who suffer. In the opinion of my delegation, no means of persuasion at the disposal of the international community should be ruled out, but the application of any of them should be considered very carefully with regard to their possible unintended consequences as well as to the chances of their consistent implementation.

It has been pointed out on several occasions that the civilian population and especially refugees are being deliberately targeted by the parties to conflicts acting out of a belief that this could advance their political and military objectives. Human-rights violations and violations of international humanitarian law are all too well known features of the conflicts currently under way. It is important, we believe, to ensure that these crimes are investigated and the perpetrators, if found guilty, appropriately punished.

Allow me to make two more observations with regard to the humanitarian tasks of the United Nations operations mandated by the Security Council. The first relates to the problem of coordination. In our view, the increasingly complex nature of these operations makes evident the need for a stronger role for the Special Representatives of the Secretary-General. Secondly, humanitarian assistance is not about politics; it is about life. We should do everything we can to prevent politicizing humanitarian relief.

My delegation would like to take this opportunity to pay tribute to all members of humanitarian organizations. Their work has saved thousands and thousands of human lives. It is our duty to assist them in discharging their respective mandates. Before concluding, I would like to stress that my delegation fully subscribes to the statement to be made by the Permanent Representative of the Netherlands on behalf of the European Union and associated countries.

Mr. Osvald (Sweden): Your presence here today, Sir, at the head of the Korean delegation is most welcome. Later in the debate the representative of the Netherlands will speak on behalf of the European Union. We fully support the statement he will make.

In conflicts all over the world we are repeatedly faced with double tragedies. Men, women and children, driven from their homes, are also targets of inhuman treatment, brutal attacks and sometimes even massacres.

Recent internal conflicts pose new challenges to the international community. Victims of conflict are denied urgently needed emergency relief, forced to walk hundreds of miles in search of safety and left to die in remote wilderness. And those who are there to help are refused access to the refugees and are even themselves increasingly made targets of such violence.

Large-scale attacks on human security and gross violations of human rights within States are the harbinger of threats to regional and international security. Thus, the Security Council is frequently called upon to address important questions of how to protect refugees and humanitarian assistance to refugees and others in conflict situations.

Sweden welcomes this debate. It should be a step towards concrete proposals and decisions by the Council in this field.

Governments bear the primary responsibility for the security of all individuals under their jurisdiction. This responsibility also entails that Governments should seek international support if they lack the ability to provide such protection and assistance. But individual perpetrators must always be held accountable for violations of humanitarian law, also in areas where government authority has broken down.

The role of the Security Council is first and foremost to promote political solutions to crises, preferably even before a conflict has turned violent. Peaceful conflict resolution and preventive diplomacy are certainly the best methods of addressing the fundamental problems of refugees and displaced persons. Action to be considered by the Security Council in this field is, however, manifold in nature. The Council has an essential role in ensuring respect for international humanitarian law and human rights. Actions of the Council, in each individual case, also contribute to the

development of norms for the behaviour of States, and even non-State entities.

Protection of humanitarian assistance is, and should be, a task specifically mandated in connection with many peacekeeping operations. But even in the absence of United Nations peacekeeping, the Security Council must ensure that it is fully apprised of the humanitarian and human-rights situation at hand and of the requirements of the humanitarian organizations. Therefore, the Council should consult closely on a regular basis with humanitarian organizations and seek their advice on how to improve the security of refugees, displaced persons and the humanitarian relief workers themselves.

From the outset of a crisis, the Council should use its moral authority and political leverage to impress on leaders of parties in conflict their personal accountability for crimes against refugees and displaced persons as well as humanitarian personnel, in areas under their control. The need for humanitarian access should be equally underlined. Impunity should not be accepted. The Council should consider ways and means to follow up on such crimes. Preferably, political actors should know from the outset what kind of consequences they will have to face if they take part in crimes against international humanitarian law, or refrain from bringing the perpetrators to justice. An international criminal court could be a helpful instrument in this regard. International civilian police could be deployed in crises to monitor the situation, to help investigate crimes and to assist in the building of national structures of justice.

Crises are invariably different in nature. The protection of refugees and displaced persons may require different kinds of arrangements. For example, a clear distinction should be made between protection measures in an enforcement situation, under Chapter VII of the Charter, and measures in the context of other United Nations operations. Early consultations between the Security Council and relief agencies could help define the proper response.

The Office of the United Nations High Commissioner for Refugees (UNHCR) has a unique international mandate to protect refugees and others in refugee-like situations. The complex conditions in refugee-hosting as well as returnee-receiving areas call for a comprehensive, situation-specific protection strategy. Sweden welcomes the close cooperation between the UNHCR and the United Nations High Commissioner for Human Rights and hopes that useful lessons will be drawn by the two agencies from their experiences in the Great Lakes region.

The High Commissioner for Refugees has called for a rapid deployment force to assist, *inter alia*, in separating military groups from bona fide refugees in mass-displacement situations. There is good reason to reflect upon this and other ways of achieving such a separation.

Protection of humanitarian action cannot be isolated from protection of people in need. Protecting humanitarian assets and relief workers may be essential for humanitarian operations to continue. But protection mechanisms must also, as their primary objective, deal with shielding civilians from threats to life and livelihood.

Assault on defenceless women and children has been used as a weapon to demonstrate power and control and to disintegrate social structures and communities. Protection of refugees must include special measures to ensure the safety of women and children.

Humanitarian corridors, safe areas, protected zones or any other form of humanitarian space can in some situations provide protection. The United Nations should assess experiences of such mechanisms so far and the means to protect them.

The role of United Nations troops, civilian police or guards in the protection of refugees and displaced persons should also be further explored.

Humanitarian action must always be based on need and on the principle of impartiality. Its integrity must be respected. However, we cannot expect humanitarian action to be a substitute for political resolve to deal with the conflicts themselves and their root causes. It is increasingly recognized that complex man-made crises require an international response combining political, military, humanitarian and other civilian action that will create the conditions for peace while protecting victims of armed conflict. The Security Council must shoulder its responsibilities in this regard.

The President: I shall now make a statement in my capacity as Minister for Foreign Affairs of the Republic of Korea. I thank a number of representatives for their kindness in allowing me to precede them.

The rising prevalence of intra-State conflicts since the end of the cold war is posing a new type of threat to international peace and security. These conflicts have frequently entailed massive flows of refugees and internally displaced persons. Moreover, with this alarming explosion of displaced people, a dangerous new trend has also emerged. Refugees are not just an unintended consequence of conflict. They are intentionally being created by the warring parties themselves. With disturbing frequency, innocent civilians in these conflicts are being targeted by combatants on a massive scale and subjected to atrocities, intimidation and other gross violations of international humanitarian norms.

As we all know well, in Bosnia and Herzegovina combatants deliberately sought to drive civilians from their homes. In places such as eastern Zaire militants have also been known to use refugees as cover, mingling among the innocents to exploit the sanctuary offered by refugee camps and intimidating genuine refugees from returning to their homes.

Needless to say, the ultimate solution to such conflicts is the achievement of a negotiated settlement and the re-establishment of national authority. Given that such a comprehensive political solution is often not easily forthcoming, however, the provision of humanitarian assistance to refugees becomes all the more pressing. Moreover, doing so in vulnerable conditions is a dangerous task indeed. Recent experiences have shown that there is clearly an urgent need to improve the protection of refugees and more effectively ensure that humanitarian assistance can be safely delivered to them. The Republic of Korea is deeply concerned about the implications of this problem for international peace and security, and we have therefore taken the initiative to hold an open debate on this issue.

Today we are searching for an answer to the question of how the Council can improve its support for humanitarian assistance in conflict situations. So far the Council's reaction has varied and has involved a certain amount of trial and error, but the overall trend is towards greater engagement. The Republic of Korea welcomes this trend and firmly believes that the Council's involvement in the protection of humanitarian assistance can be handled with greater consistency, efficiency and effectiveness. In this regard, we would like to present several suggestions.

First and foremost, in the event that the Council decides that a humanitarian crisis involving refugees requires a peacekeeping operation, the Council should carefully ensure that no mismatches exist between the operation's mandate and capabilities and the expectations invested in it. Some lessons in this regard can be learned from the United Nations experience in Srebrenica, one of the designated safe areas in Bosnia and Herzegovina. The Council should exercise particular caution and care in defining peacekeeping mandates in situations where even the minimum conditions for peace do not exist.

Secondly, closer coordination among the various United Nations bodies and agencies involved, as well as between them and other agencies and regional organizations, would certainly enhance the international community's capability to protect or provide humanitarian assistance to refugees and other civilians in any given crisis.

We believe that the Security Council has a critical role to play in all this through its power to define the mandate of peacekeeping operations tied to the crisis and to give political guidance, when requested, to the special representative of the Secretary-General. The role of the special representative of the Secretary-General is particularly important, for he or she is the figure charged with ensuring that all the different United Nations and other bodies in the field discharge their respective tasks in such a manner that they complement one another. Armed with clear political guidance form the Council, the special representative of the Secretary-General may be in a better position to respond efficiently to fast-changing conditions in the field.

Thirdly, further efforts should be made to combat the prevailing culture of impunity that breeds disregard for international humanitarian law. Although a number of Council resolutions and presidential statements have been issued as warnings to parties suspected of violating basic standards of international humanitarian law, these have not had the desired impact. In furtherance of these efforts, the Security Council should consider imposing further punitive measures against violators, such as targeted sanctions.

The Council could also consider establishing ad hoc international criminal tribunals endowed with stronger powers to enforce their decisions. For instance, although the International Tribunal for the former Yugoslavia has already contributed significantly to the advancement of humanitarian law, its lack of enforcement power has left the most prominent individuals indicted still at large.

Another important legal issue related to the protection of humanitarian assistance is how to strengthen the legal framework that is designed to protect the safety and security of United Nations and other personnel engaged in peacekeeping and humanitarian activities. The scope of the existing legal framework could be expanded to cover other categories of personnel beyond United Nations and associated personnel.

A fourth suggestion is for the Council to place greater emphasis on improving its preventive capacity. Ultimately, crisis prevention always costs less than crisis response. Although we do not have a detailed blueprint to propose in this regard, a more systematic employment of various mechanisms, such as early warning systems including fact-finding missions, and preventive deployment, may warrant further consideration. These might not be easy tasks, considering that special care should be taken to maintain a balance between the need for such preventive activities and respect for sovereignty, not to mention the matter of financial implications.

Last but not least, we believe that the Security Council should improve its ability to react rapidly to humanitarian crises once they erupt. In this regard, we welcome the progress that has been made in creating a United Nations rapid-deployment capability for peacekeeping, including civilian and humanitarian components, and would like to encourage the Secretariat and Member States to further accelerate the process of creating such a capability, including stand-by arrangements.

We cannot overemphasize the need to devise a comprehensive response to the new challenges to international peace and security posed by massive threats to the security of people. We therefore believe that today we have started an important deliberation on the need for expanding the involvement of the international community in meeting such challenges.

In closing, I would like to express my appreciation to all the delegations and representatives of international organizations taking part in today's debate. We sincerely hope that our discussions will pave the way for a more integrated and coordinated approach by the international community to ensure protection for humanitarian assistance to refugees and others in conflict situations.

I now resume my functions as President of the Security Council.

Mr. Larraín (Chile) (*interpretation from Spanish*): At the outset I wish to congratulate you warmly, Sir, and to say that we are honoured by your presence here today for this important Security Council debate. I congratulate you also on this great initiative to devote an open meeting of the Security Council to this item. As members know, the delegation of Chile has consistently stressed that this principal organ of the United Nations should accord high priority to humanitarian issues.

Let me reiterate a number of ideas that my delegation has expressed in the past, to define the nature of the conflicts that the Security Council must deal with today, and to underline the consequent relevance of the humanitarian question.

As we know, the Charter gives the Security Council primary responsibility for the maintenance of international peace and security. As originally framed, this implied the duty to address conflicts between States when these had international implications. Today the Council's agenda is increasingly devoted to internal conflicts in which not all the parties are sovereign States, but can also be groups or factions within those States. These conflicts are characterized by civil war, with the major humanitarian crises it brings; one of the main consequences is massive, aimless flows of refugees.

This highlights the Security Council's humanitarian responsibility with regard to the conflicts of which it is seized. The competence of the Council in this area is clear, if limited to consideration of measures or actions that can save innocent lives while political agreements are sought with a view to the establishment of peace and security.

Mr. Park took the chair.

There are many humanitarian agencies within the United Nations system, as well as non-governmental agencies, that are increasingly involved in humanitarian situations in conflict areas. Beginning with the Office of the United Nations High Commissioner for Refugees (UNHCR), these agencies are working in the field to alleviate the harsh and cruel conditions faced by the victims of clashes, war and intolerance. The men and women of those agencies are carrying out a basic task to which the international community and the Security Council have not always attached its proper importance.

Without these humanitarian efforts, conflicts grow worse, and we all know that when it grows worse, a

conflict naturally tends to affect even more the international peace and security that are the primary concern of the Security Council.

To fulfil their missions properly, humanitarian agencies need the support of the international community. The most fundamental form of support in the field is safety. Our central point is that humanitarian workers in the field helping the victims of conflicts should be the focus of the Security Council's attention. Of late we have seen many attacks against United Nations or non-governmental-agency personnel, resulting in deaths and injuries. These people have become victims because they tried to help the victims of conflicts.

The Council should find a way to strengthen legal provisions and make use of available machinery to protect humanitarian workers. Threats to the safety of humanitarian personnel often imperil the sole presence that the international community can have in a conflict area. Let it be understood that this presence is our presence.

On 12 March 1997, the Security Council issued a broad presidential statement in which, *inter alia*, it expressed its grave concern at, and condemnation of, the recent increase in attacks and the use of force against United Nations and other personnel associated with United Nations operations, as well as personnel of international humanitarian organizations. The international community, and in particular the Security Council, must not neglect humanitarian issues because of practical considerations or the realities of authority in a given country. We therefore agree with the idea recently put forward by Mrs. Ogata, the United Nations High Commissioner for Refugees, that political solutions to conflicts should address humanitarian concerns.

On the other hand, we must continuously stress that the parties to a conflict must recognize the principle of the neutrality and impartiality of the humanitarian agencies providing assistance in the area. This leads to a subject that deserves attention in the future: how to ensure effectively that the parties to a conflict will respect innocent victims — refugees, displaced persons and vulnerable groups — and will grant humanitarian-assistance agencies safe access to them. In our statements and resolutions we have on more than one occasion urged the parties to a conflict, including non-State parties, to respect international humanitarian law. But unfortunately this appeal goes unheeded.

Respect for the Geneva Conventions and the rules of humanitarian law must be subject to scrutiny, even when a conflict is resolved by force; this should include the actions of all the parties involved. The individual responsibility of the perpetrators of such acts is a natural corollary of this approach.

The actions of non-State agents should be subject to forms of international responsibility; naturally, so should those of State actors.

There must be a permanent criminal jurisdictional body with the competence to try those who violate humanitarian law. We believe that the draft proposal for an international criminal court prepared by the International Law Commission provides a good basis for the creation of the kind of jurisdictional body required. The crimes defined in that draft could include the violation of the norms of international humanitarian law.

Chile, as an elected member of the Security Council for 1996 and 1997, is seeking to help the international community and, in particular, the Security Council, foster an awareness of the interrelationship between conflict and humanitarian tragedy. Very often, those who are closest to the conflicts dealt with by the Security Council are the humanitarian organizations — sometimes more so than Governments, military units or us, the diplomats. Thus, in addition to the fundamental work that the agencies are doing in assisting the victims of conflicts, they can also help Governments better to understand the specific character of each of those conflicts, because they are there in the field.

For that reason, the delegation of Chile has focused on the relationship between the Security Council and the humanitarian organizations, promoting contact between them. In this respect, we should bear in mind that the organs of the United Nations system can inform the Council about what is happening and what is being done in one or another conflict situation. Hence, on more than one occasion Mrs. Sadako Ogata, the High Commissioner for Refugees, has met with us to enlighten us about the cruel situation faced by refugees, especially in the Great Lakes region. We have also periodically received updates on the humanitarian situation from the United Nations Department of Humanitarian Affairs. This type of information exchange is essential, and of the greatest interest to the Security Council.

However, there are humanitarian organizations that have not had access to the Security Council. I am referring to non-governmental humanitarian organizations, which, like the Office of the United

Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme and others, have personnel in the field, near the conflicts, and have important things to say to us.

Last February we took a new approach in which members of the Council, together with the bureaux of other relevant organs of the system, were able to meet with representatives of non-governmental humanitarian organizations that have a substantial presence in the area of a particular conflict. The Department of Humanitarian Affairs, on the initiative of a member of the Council, issued the appropriate invitation and presided over the meeting. Under that formula, on 12 February last, we heard the comments of OXFAM, Médecins sans frontières and CARE on the situation in the Great Lakes region. That meeting was very positive and of great interest to the Security Council. It opened the way for other meetings of this kind in the future.

This formula for contact with other non-governmental humanitarian organizations enables us to expand considerably the scope of consultations with various humanitarian actors. At the same time, it serves to support the cohesiveness and coordination of the humanitarian community and to keep it more closely linked to the decisions taken in the Security Council.

We reiterate the appreciation of the delegation of Chile for the holding of this open debate, and we wish to propose that the Secretary-General prepare a set of integrated but flexible guidelines concerning protection for humanitarian assistance for refugees and others in conflict situations that will enable the Security Council carefully to consider this very important matter in the near future.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): The Chinese delegation is very pleased to see you, Mr. President, participating in and presiding over this morning's meeting. The recent successful visit to China of His Excellency the Foreign Minister of your country will contribute to the development of good-neighbourly and friendly relations between our two countries.

The fate of refugees should stir our deepest sympathy, as they belong to the most unfortunate group in society. The refugee problem plaguing the international community has defied solution for a long time. In recent years, regional conflicts, territorial disputes and ethnic and religious contradictions have further aggravated the outflow of refugees. This has not only plunged numerous innocent people into dire situations, with lasting consequences for the social stability and economic development of the countries concerned, but also inflicted a heavy burden on many neighbouring countries.

Though the refugee problem in conflict regions is attributed to different causes, its solution, and the provision of humanitarian assistance to refugees, are the joint responsibility of the international community as a whole. But I want to emphasize that, as far as the United Nations is concerned, humanitarian activities should be undertaken mainly by the relevant departments and agencies, while the Security Council should involve itself mainly with the settlement of political and security-related issues. It is therefore necessary to make a distinction between the two, both in discussions and in practice.

The protection of refugees and the provision of humanitarian assistance to refugees in areas of conflict is a complicated and arduous task. We have noted that the relevant United Nations humanitarian agencies, especially the Office of the United Nations High Commissioner for Refugees, have made tremendous efforts in this regard, as has the International Committee of the Red Cross (ICRC). We greatly appreciate and will continue to support their efforts. The staff of these agencies often work under difficult and perilous conditions. They have toiled and even given their precious lives for the noble humanitarian cause. We wish to express our sympathy and pay tribute to them.

The Security Council shoulders the heavy responsibility for the maintenance of international peace and security entrusted to it by the United Nations Charter. The question of how to promote peaceful settlement of regional conflicts and the protection of refugees and humanitarian assistance through peacekeeping operations merits in-depth study.

In our view, compliance with the purposes and principles of the United Nations Charter — particularly with regard to respect for State sovereignty and for the views of the States and parties concerned — and strict neutrality remain important principles for international humanitarian assistance.

The political will and willingness to cooperate on the part of the States and parties concerned are the key to the success of conflict resolution and humanitarian assistance. Furthermore, judging from many ongoing conflict situations, it is essential to achieve national reconciliation and eliminate hostility and hatred. The international

community should make greater efforts to promote peace. The resolution of conflicts by such peaceful means as good offices, mediation and negotiation is in itself an effective way to protect refugees.

In United Nations peacekeeping operations and humanitarian relief activities, there is a tendency towards frequently invoking Chapter VII of the Charter, or even authorizing the use of force. This, rather than being helpful, will more often than not further complicate problems. Therefore, we are not in favour of such an approach. We are of the view that in rare cases, when the use of force is indeed necessary for the protection of the delivery of humanitarian relief and the safety and freedom of movement of United Nations peacekeepers, the authorization to use force must be strictly confined to self-defence. It should not be used indiscriminately, still less for retaliation, or in any way hurt innocent civilians.

As a Chinese saying goes, "prevention is better than cure". We are of the view that the United Nations should seek the root causes of regional conflicts and humanitarian crises so as to suit the remedy to each case and target solutions to the cause.

Issues such as the provision of humanitarian assistance and the protection, voluntary repatriation and resettlement of refugees should be integrated in order to work out a comprehensive solution. The international community should make great efforts in this regard. The Chinese delegation believes that while "preventive deployment" is being much talked about, there is the need to seriously consider "preventive development", that is, to eradicate the root causes of the refugee situation by encouraging national unity, promoting economic development and maintaining national stability.

Mr. Mahugu (Kenya): This morning, Mr. President, my delegation welcomed the presence of your country's distinguished Foreign Minister, which, in our view, added positively to our debate on this important matter.

We welcome this opportunity to discuss in open session one of the most challenging aspects of the refugee crisis facing us today. The number of people in need of urgent humanitarian assistance remains unacceptably high, with the largest percentage of these — whether they be in ongoing conflict, post-conflict or disaster-related situations — being in sub-Saharan Africa. This, therefore, is a matter of utmost importance to us.

The United Nations remains the principal actor in humanitarian emergencies. It is therefore true to say that the responsibility of the United Nations, and particularly the Security Council, is crucial in determining the international community's response to humanitarian situations. The Security Council is the organ mandated by the international community to ensure prompt and effective action whenever a threat to peace is determined. This primary responsibility of the Council cannot be abdicated to any other organ or organization. It is the Council that decides, in many cases, how, when, and at what level a humanitarian situation should be addressed. The Council, more than any other body, gives the signal and direction of international response to humanitarian emergencies.

In cases where response has been weak or failed, it can be correctly assumed that the decision-making process was either too slow, the objective too obscure, or mandates of the United Nations operations ill-defined. It might also be that a specific situation has evolved faster than initially anticipated.

This is the crux of our debate today. How should we improve the decision-making process to provide a viable framework for humanitarian action and, in this way, to better fulfil the responsibility the Council so clearly has?

Our experience in this area indicates that it is absolutely essential, first, that the Council understand the situation on the ground, and based on that, determine the framework for providing assistance and protection, taking into account all the critical aspects of the specific situation. For instance, in cases where there have been rampant mine-laying activities, a mine-clearing component should be included. There has to be a clear link between the emergency and the response.

In addition, the Council should identify the parties to the conflict and solicit their support for action decided upon. If deployment of humanitarian military assistance becomes necessary, parties to the conflict should be consulted ahead of deployment and the mandates of such operations should be explained to them to avoid misunderstandings at a later stage. This will improve the chances of success, reduce casualties and minimize instances of hostage-taking.

It is also important that the establishment of safe havens should be undertaken only if there is an international commitment to protect such areas and to

assure that they are respected by all parties and will not become an excuse for "ethnic cleansing". Where a massive outflow of refugees has occurred, it is imperative to disarm combatants and, where necessary, separate them from genuine refugees, as was recommended in the case of the former eastern Zaire by our regional leaders in Nairobi.

Sanctions, when imposed, should be clearly aimed at ending the conflicts and be well-coordinated, respected and monitored. Sanctions should not cause unnecessary suffering to innocent civilians. Non-compliance with Security Council embargoes and sanctions should not be tolerated.

What comes to mind here is the constant flouting of arms embargoes by producers and suppliers of arms.

We must maintain close cooperation among the United Nations bodies involved in the provision of assistance, and between them and non-governmental organizations, to avoid duplication and prevent overlaps. This will enhance coordination and make humanitarian intervention more effective. In this connection, we commend the Office of the United Nations High Commissioner for Refugees (UNHCR) for the excellent work that the organization continues to carry out in providing assistance to refugees. It is important to seek the views of UNHCR, the International Committee of the Red Cross (ICRC) and non-governmental organizations on the nature of humanitarian intervention to be undertaken. In many cases, these organizations are the first on the scene and are well-informed on the atmospherics of the conflicts.

Without genuine political good-will, the provision of prompt, appropriate and adequate protection for humanitarian emergencies will continue to evade us. One cannot but wonder what would have happened if the multinational force authorized under Security Council resolution 1080 (1996) had been deployed in Zaire. We are inclined to think that the fate of thousands of refugees could have been different. After all, is it not all about saving lives? In that region, we are still unable to account for over 80,000 lives.

In conclusion, our experience with the speed of response to humanitarian emergencies has been very disappointing. Although we have welcomed the successes that have been evident elsewhere, it is shameful that the most glaring examples of failures of humanitarian action continue to be in Africa. We hope that we can use all the lessons learned to improve and protect international humanitarian assistance to refugees and others in conflict situations.

Mr. Owada (Japan): Permit me, Mr. President, to begin by extending a hearty welcome to the Foreign Minister of the Republic of Korea in the seat of the President of this Council this morning. I wish to express my pleasure at seeing a former colleague preside as President over this important meeting of the Security Council.

Every one of us who has been watching the tragic developments in the humanitarian situations in the former Yugoslavia, the Great Lakes region, the Central Asian regions and many other parts of the world in recent years will readily agree that the problem of how effectively to offer protection for humanitarian assistance to refugees and others in conflict situations is one of the burning issues that the international community should address with a keen awareness of the gravity and urgency of the present state of affairs. I wish to pay tribute to the Government of the Republic of Korea for taking the initiative of holding an open debate of the Security Council on this important subject.

At the same time, in our treatment of this issue, we should constantly keep in mind that the protection of humanitarian activities is a problem with multifaceted dimensions, requiring careful examination from diverse angles, including its legal, political, social and humanitarian implications. It should also be kept in mind that as far as United Nations activities in this field are concerned, the problem concerns the area of activity not only of the Security Council, but also of the General Assembly and other organs. There are no easy answers or ready solutions; utmost wisdom and insight will be required each time we deal with a concrete situation, taking into account the overall context of the relevant factors affecting the situation.

We have witnessed in recent years a dramatic change in the nature, the cause and the modality of the armed conflicts that have been plaguing various parts of the world. As a rule, these conflicts tend to be fought more often within the national borders of a State than between States. In many cases they stem not so much from clashes of national interests arising out of political, economic and ideological differences as from ethnic or tribal rivalries within a State, or from the chaos that has come to prevail in a so-called "failed state". In many of the extreme cases, we have seen this lead to the abhorrent practice of "ethnic cleansing".

The humanitarian emergencies resulting from such conflicts have likewise changed, both in nature and in scope. The most direct and dramatic consequence of such conflicts is the massive displacement of people. According to statistics provided by the Department of Humanitarian Affairs, there were an average of five humanitarian emergencies a year in the 1980s; in the 1990s the ratio has quadrupled, to an average of 20 emergencies a year. Moreover, the Office of the United Nations High Commissioner for Refugees (UNHCR) tells us that the number of refugees, internally displaced persons and other affected people within the purview of UNHCR has risen from 17 million in 1991 to 26 million in 1996. While in 1991 most of these people were cross-border refugees, in 1996 nearly half were internally displaced persons, reflecting the increase in intra-State conflicts.

There is another, even more important, change in the nature of conflicts that demands our concerted attention. Traditionally, the displacement of people has been a phenomenon incidental to an armed conflict between regular national armies, in which civilians try to seek refuge from the calamities of war. In the new type of conflicts that have come to erupt in recent years, however, it is more likely to be the civilian population itself that becomes the target of an attack. Even where this is not the case, armed units of the parties to the conflict are often bands of guerrillas, militias and other non-regular combatants who do not always possess military discipline and allegiance to a commander and thus lack a basic sense of respect for international humanitarian law and human rights. As a result, not only has the treatment of refugees and internally displaced persons in these situations become a source of serious concern to us from the viewpoint of how to protect these victims, but, even more ominously, the guarantee of safety and security in which humanitarian activities can be carried out by humanitarian agencies — whether United Nations-affiliated or otherwise — has come to be jeopardized.

These quantitative and qualitative changes in humanitarian emergencies require commensurate changes in our response. To meet this new challenge, efforts must be intensified to strengthen coordination and cooperation among the various humanitarian agencies. Indeed, it was in order to respond more effectively to this new situation in humanitarian crises that the Department of Humanitarian Affairs was created in 1992, with a view to bringing about a more effective coordination among various agencies, which until then had tended to operate independently of each other.

Nevertheless, this clearly is not enough. Thus an innovative new attempt has been introduced in the practice of the Security Council to meet these new challenges. I am referring in particular to the recent practice of the Security Council of entrusting peacekeeping operations with the additional task of protecting and assisting humanitarian operations, a mandate that goes beyond the traditional scope of peacekeeping operations. The United Nations Protection Force in the former Yugoslavia, the United Nations Operation in Mozambique and the United Nations Observer Mission in Liberia are among the operations that have been entrusted with such a task.

This innovation introduced in the practice of the Security Council raises new questions, however, particularly concerning the relationship between the traditional mandate of the Security Council in peacekeeping operations and the new task of providing assistance to humanitarian operations. It is thus legitimate that we should ask ourselves the following question: according to which criteria and to what extent should the Security Council be involved in the protection of humanitarian assistance efforts? Since refugees and many other humanitarian problems are the consequence of political or ethnic conflict, they cannot be fundamentally eliminated unless and until the root causes of the conflict are resolved. At the same time, it is also true that the international community cannot stand idly by as tragic humanitarian crises erupt in an emergency situation and that the Security Council, as the only international body with the authority and legitimacy to take action, has to respond to such crises.

In the light of these factors, it would seem clear that while the primary task of the Council is to bring about the resolution of the conflict and of the underlying political problems that gave rise to such humanitarian crises, it is often necessary to engage in activities on an emergency basis aimed at providing assistance to humanitarian relief activities under way in the midst of such conflicts that are facing grave difficulties in carrying out their mission.

Nevertheless, a word of caution would seem to be in order: even in those circumstances where United Nations peacekeeping forces are used as instruments for the protection of humanitarian efforts, it is essential that the following conditions be met.

First, the mandate of such an operation must be clearly defined, and its terms of reference precisely

specified; secondly, the actual situation on the ground must be such that the mission of offering the cover of protection under this mandate may realistically be expected to be accomplished through the means offered; thirdly, the operation must be equipped with the necessary human and material resources to accomplish the mission; and fourthly, the Security Council must closely monitor the situation so that the operation can adapt to the rapidly changing situation on the ground.

These are the minimal requirements that must be met before such an operation may be authorized. It is also important that consideration be given to the roles that regional organizations may play in such an operation in cooperation with the United Nations.

One of the most fundamental questions to be considered in thinking about the role of the Security Council in relation to the problem of the protection of humanitarian activities is whether an intervention by the Council would be consistent with the basic principles under which humanitarian activities are carried out and thus be conducive to ameliorating the situation. It is almost axiomatic that the humanitarian agencies, whether intergovernmental or non-governmental, will have to adhere to the principles of humanity, neutrality and impartiality in order to be effective in their mission. Indeed, it is essential that humanitarian assistance activities be carried out in a neutral, impartial and strictly non-political manner in order for them to be truly effective. Seen from this angle, the involvement of such a highly political body as the Security Council, through the provision of protection by peacekeeping forces or other forces authorized by the Council, will have to be meticulously weighed and tailored in such a way that the humanitarian operations themselves are not jeopardized.

Another fundamental point to consider is the implications of the change in the nature of conflict that I touched upon earlier. In traditional conflicts between regular armies, where one could safely assume that the combatants would respect the principles and rules of international humanitarian law, the humanitarian activities, based on the principle of strict separation of combatants and non-combatants, could be safely carried out as long as those three principles were strictly adhered to. However, as I indicated earlier, the recent conflicts and combatants do not fit this profile. In a situation where the parties to a conflict are more likely than not to ignore and disregard this distinction between combatants and non-combatants engaged in a humanitarian mission, and lack the discipline or the will to respect such international norms, the provision of some forceful protection for humanitarian-relief operations becomes an inevitable option.

It is in this context that my delegation feels that particular attention of the members of the United Nations will have to be drawn to the need for securing the safety of international personnel who are engaged in providing humanitarian assistance under extremely difficult and, at times, life-threatening circumstances. As we have recently witnessed in Tajikistan, where United Nations military observers were repeatedly taken hostage, or in Sierra Leone, where United Nations personnel came under attack, deliberate acts of sabotage are becoming a recurring problem. Thus the need to provide effective means to protect the safety of these personnel is increasingly becoming a source of serious concern to the entire membership of the United Nations, and in particular to the Security Council.

As one of such means to cope with the situation, the international community should seriously consider the possibility of reinforcing the mechanism for ensuring the safety of such personnel through legal instruments. It is recalled in this connection that the General Assembly, at its forty-ninth session, adopted the Convention on the Safety of United Nations and Associated Personnel. It is important that all Member States ratify this critically important document as quickly as possible, so that it will come into force without further delay. More importantly, however, my delegation wishes to reiterate the point made by Japan at the time of the Convention's adoption, that the scope of this Convention does not cover personnel engaged in humanitarian-assistance activities. Some modest improvement was introduced in Article 1 of the Convention, at the insistence of Japan, so that the Convention may be expanded when the Security Council or the General Assembly declares that there exists an exceptional risk to the safety of participating personnel. In the view of my delegation, however, this is not sufficient. As a first step, my delegation would like to suggest that the Security Council declare, as a matter of course each time it launches an operation, that there exists an exceptional risk to the safety of personnel. Such a declaration would serve a useful ancillary purpose of raising international awareness of the importance of the issue of the safety of personnel engaged in humanitarian-assistance activities.

Furthermore, Japan believes it is necessary to redress the deficiency of the Convention by revising it to cover in its scope the personnel of the International Committee of the Red Cross and other,

non-governmental, organizations, who are not covered at present by the Convention. My delegation stands ready to cooperate closely with like-minded Member States in our joint efforts to enhance the safety of all international personnel.

The provision of humanitarian assistance to the victims of armed conflicts is a vitally important responsibility of the international community and of the Security Council in particular. But I would be remiss if I concluded my intervention today without stressing the point that, in the final analysis, the problem of refugees and other humanitarian crises will not completely go away unless and until the underlying political crises are solved. For this reason, there is always a greater need for us in the international community, and especially in the Security Council, to try to address each crisis situation affecting the peace and security of the region in a holistic manner. In addressing a situation of conflict, we should tackle all the related issues together, including diplomatic action, ceasefire, protection of refugees and humanitarian assistance, as well as economic reconstruction and social rehabilitation, as an organic and comprehensive whole.

My delegation believes that the new roles of the Security Council in this regard are increasingly great.

Mr. Richardson (United States of America): Mr. President, I join my colleagues in welcoming your Foreign Minister, whom I briefly had a chance to meet as he departed.

The United States welcomes this opportunity to discuss the problem of security for humanitarian operations around the world. There is a growing need for integrated and creative approaches to complex emergencies, approaches that will take into account the political, as well as the military and humanitarian, aspects of each situation.

The United States is extremely concerned about the increasing incidence of violence against humanitarian workers as they carry out their work. Emergency assistance to refugees and displaced persons is difficult enough without security threats and violent actions against relief workers and those they are trying to help. Our hearts go out to the relief workers who have been the victims of violence in recent months and to their colleagues who continue to work in dangerous circumstances — among them the Department of Humanitarian Affairs workers who were shot in Sierra Leone; the United Nations Children's Fund (UNICEF) workers who faced armed attackers in their compound and suffered grave injury in Zaire; the human-rights monitors who were killed in Rwanda; the staff members of the Office of the United Nations High Commissioner for Refugees and others who were held hostage in Tajikistan in February; and the International Committee of the Red Cross (ICRC) staff who were murdered in Chechnya last December.

Security concerns for United Nations and non-governmental organization staff working in today's humanitarian emergencies, often in or near war zones or areas of civil unrest, pose unique and complex challenges for the agencies involved and for the United Nations system as a whole. The increasing number of internal crises — in the Balkans, the Great Lakes, the Caucasus — has greatly complicated this problem with irregular and often undisciplined combatants. There is no single solution to this problem, no model we can set up ahead of time to meet the complexities of each new emergency situation. But certainly, local security issues must be addressed each time the United Nations sends people to work in an area of unrest, whether they are assigned to distribute emergency food, repatriate refugees, monitor human rights violations or provide technical assistance for elections.

In some cases, United Nations peacekeeping forces already on the ground have been assigned a protective function for humanitarian workers. But the United Nations cannot send peacekeepers into each and every emergency, and the record on using the military to provide security for humanitarian deployments is mixed. Armed forces, even those wearing blue helmets, are sometimes not seen as neutral in a conflict. At times, the presence of armed security forces can complicate delivery of humanitarian assistance. Some organizations, such as the ICRC, do not work with security forces, except under very limited circumstances. United Nations peacekeeping forces have themselves become the target of violence, as in the recent kidnapping of military observers in Tajikistan, or the targeted killings of United Nations military personnel in Rwanda and Somalia in years past.

In some emergencies, regional organizations have played a positive role in providing security in conflict situations: notably, the coalition forces in Haiti; the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) in Liberia; or North Atlantic Treaty Organization (NATO) participation in the former Yugoslavia. We welcome such initiatives as these, coordinated with the United Nations, that can enhance regional capabilities to provide security in complex emergencies.

Growing confusion of victims and victimizers has complicated the delivery of humanitarian assistance. It has become increasingly difficult in some cases to distinguish legitimate refugees from parties to the conflict. The tendency of humanitarian agencies has been to give persons fleeing their country the benefit of the doubt, and to classify all as refugees. Or large refugee camps administered by humanitarian agencies can serve as staging bases for armed combatants. Inevitably, this leads other parties to the conflict to view the humanitarian agencies as taking sides and losing their impartiality. Humanitarian agencies should not be giving succour to combatants who perpetuate conflict and hide behind innocent populations. The moral dilemma is whether to leave those human shields to their fate, or to rescue them and simultaneously protect their victimizers.

For each new humanitarian operation, security assessments should be incorporated into the planning from the very beginning and updated continually. The international community and those involved in the conflict must observe the principle of respect for the neutrality and inviolability of international humanitarian personnel. They all have the responsibility to provide protection for international humanitarian workers and to facilitate their work. They should also ensure access by humanitarian aid workers to vulnerable populations. When a party cannot and will not provide security for humanitarian operations in its territory, the United Nations agencies and the Security Council must work together to explore the best response.

Appropriate, effective measures to ensure security should be incorporated into the programmes of the humanitarian agencies. Finally, continuous coordination between the political, military and humanitarian aspects of any intervention in a crisis is crucial to its success. We urge the United Nations, at this time of self-examination, to consider how best to ensure such coordination.

The United States will continue to work with the Security Council and all the United Nations agencies to address the grave problem of assuring the security of humanitarian assistance operations. These brave people remain in the front lines fighting hunger, disease and homelessness in stark and often dangerous surroundings. They deserve not only our thanks but our active efforts to improve their security as they help the world's most vulnerable citizens.

The President: There are a number of speakers remaining on my list. In view of the lateness of the hour, and with the concurrence of the members of the Council, I intend to suspend the meeting now.

Before suspending the meeting, may I take this occasion to thank all the delegations for their kind words addressed to the Minister for Foreign Affairs of the Republic of Korea and the Republic of Korea's presidency.

The meeting was suspended at 1.50 p.m.